

FOURTH DAY

(Monday, January 18, 1971)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Grover	Sherman
Hall	Snelson
Harrington	Wallace
Harris	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Creighton

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 14, 1971 was dispensed with and the Journal was approved.

Leave of Absence

Senator Creighton was granted leave of absence for today on account of important business on motion of Senator Harris.

Message From the House

Hall of the House of Representatives
Austin, Texas,
January 18, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 8, Inviting Governor Preston Smith to address a Joint Session of the Legislature on January 20, 1971.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

S. C. R. No. 2.

House Concurrent Resolution 8 on Second Reading

The President laid before the Senate the following resolution:

H. C. R. No. 8—Inviting the Honorable Preston Smith to address a Joint Session at 12 o'clock m., January 20, 1971.

The resolution was read.

On motion of Senator Blanchard, and by unanimous consent, the resolution was considered immediately and was adopted.

Senate Resolution 19

Senator Mauzy offered the following resolution:

Whereas, The Honorable Fred "Red" Harris, eminent Western artist and former member of the Senate and the House of Representatives of the State of Texas, will honor the four senators from Dallas and Lieutenant Governor Ben Barnes by presenting to the Texas Senate on their behalf one of his outstanding paintings; and

Whereas, Now Judge of the County Court at Law No. 3, Dallas County, over which he has presided for the past eight years, Judge Harris served in the Texas House of Representatives before serving four terms in the Senate from Dallas County; and

Whereas, About eight years ago he began painting Western pictures as a hobby and has been painting professionally for the last five years; his paintings are admired for the authenticity and attention to detail as well as for their beauty and strictly aesthetic value and are sought by collectors throughout Texas, New Mexico and Arizona; and

Whereas, A new book will soon be released on the subject of Judge Harris and his paintings, and Lieutenant Governor Barnes has written the foreword; and

Whereas, In addition to his many years of public service, Judge Harris is remembered as one of the foremost athletes to participate in the South-

west Conference; during his college athletic career he gained distinction in four sports; and

Whereas, It is appropriate that the Senate of the 62nd Legislature commend Judge Fred "Red" Harris for all he has done for Texas and Texans; now, therefore, be it

Resolved, That the Senate of the State of Texas hereby express appreciation to the Honorable Fred "Red" Harris for the painting he is presenting to the Texas Senate on behalf of Lieutenant Governor Ben Barnes and the four senators representing Dallas, Senator O. H. "Ike" Harris, Senator Ralph Hall, Senator Mike McKool, and Senator Oscar Mauzy; and, be it further

Resolved, That Judge Harris be commended on his exceptional artistic ability and for depicting the true West with the integrity and the beauty which all Texans know and love; and, be it further

Resolved, That an official copy of this Resolution, under the Seal of the Senate, be prepared for Judge Fred "Red" Harris, the good friend and former colleague who has done so much for his fellow Texans through his art, his athletic prowess, and his many years of public service.

MAUZY
McKool
HARRIS
HALL

The resolution was read and was adopted.

Senator Mauzy requested permission that he, Senators Hall, Harris and McKool and former Senator Fred "Red" Harris be allowed to proceed to the President's Rostrum.

There was no objection offered.

Senators Mauzy, Hall, Harris and McKool and former Senator Fred "Red" Harris proceeded to the President's Rostrum and presented Lieutenant Governor Ben Barnes with an original Western painting by the Honorable Fred "Red" Harris for the Senate.

The President expressed his sincere appreciation to the Members of the Dallas delegation and to former Senator Harris for the lovely painting, which will be hung in a location where all Members of the Senate may enjoy it.

Reports of Standing Committee

Senator Aikin submitted the following reports for the Finance Committee:

S. B. No. 14.

S. B. No. 26.

Senate Bills and Resolutions on First Reading

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

By Senators Schwartz, Blanchard and Mauzy:

S. B. No. 30, A bill to be entitled "An Act requiring annual reports from charitable trusts and foundations; defining charitable trusts, foundations, and public charity; providing for the Attorney General to have access to their books and records; providing for employment of examiners and other personnel by the Attorney General to supervise charitable trusts and foundations and for per diem payment by foundation or trust examined to cover part of the cost of supervision, examination and inspection; providing penalty after notice for directors; officers or trustees and for trusts and foundations failing to comply with requirements of this Act; exempting certain nonprofit corporations; providing for the removal, disqualification or suspension of directors, officers, members or trustees by District Court for cause and providing for appointment of successors for officers, directors and trustees so removed, disqualified or suspended; fixing venue; providing a saving clause; enacting other provisions related to the subject; and declaring an emergency."

To Committee on State Affairs.

By Senators Schwartz, Patman, Harrington, Bates and Bridges:

S. B. No. 31, A bill to be entitled "An Act relating to adoption by the State Board of Insurance of rules and regulations providing for an assigned risk plan for fire and casualty insurance; amending Chapter 21, Texas Insurance Code, by adding Article 21.75; and declaring an emergency."

To Committee on Insurance.

By Senators Schwartz, Bernal, Harrington, Wilson, Mauzy and Bridges:

S. B. No. 32, A bill to be entitled "An Act amending Chapter 435, Acts of the 52nd Legislature, 1951 (Article 1723, Vernon's Texas Penal Code), by adding a new Section 9A providing that any person selling any explosive, inflammable, or combustible substance classified as a bomb in Chapter 453 shall require the purchaser to identify himself and shall keep records of the sales for a period of two years; providing a penalty for violation of the provisions of Section 9A; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Schwartz:

S. B. No. 33, A bill to be entitled "An Act relating to the authority of a commissioners court to deny a permit for waste disposal on the basis that the waste originates outside the county; amending Subsection (g), Section 5, Solid Waste Disposal Act (Article 477-7, Vernon's Texas Civil Statutes); and declaring an emergency."

To Committee on County, District and Urban Affairs.

By Senator Bates:

S. B. No. 34, A bill to be entitled "An Act amending Section 5 of Chapter 28, Acts of the 45th Legislature, Second Called Session, 1937, (codified as Section 5, Article 8176A, Vernon's Texas Civil Statutes), by providing that members of the Commissioners' Court may be paid a sum not to exceed one hundred and fifty (\$150.00) dollars per month for travel expenses incurred by them incident to their duties as a member of the governing body of a drainage district organized under the provisions of Section 52 of Article III of the Constitution of this State and converted into a conservation and reclamation district organized under Section 59 of Article XVI of said Constitution and declaring an emergency."

To Committee on County, District and Urban Affairs.

By Senator Mauzy:

S. B. No. 35, A bill to be entitled "An Act amending the employers' liability and workmen's compensation laws of this state; amending Sections 8, 10, 11 and 12 of Article 8306, Revised Civil Statutes of Texas, 1925, as amended, to increase the benefit amount; providing that this Act shall not affect any rights which have

vested or accrued prior to the effective date hereof, and retaining prior laws in effect, insofar as injuries sustained prior to the effective date hereof; providing for a savings clause; repealing all laws in conflict; and declaring an emergency."

Read first time but not referred.

By Senator Mauzy:

S. B. No. 36, A bill to be entitled "An Act providing supportive and central staff personnel as additional positions under the Minimum Foundation Program; providing a formula for the allocation of such units; providing for certification; providing a salary schedule; providing a severability clause; and declaring an emergency."

To Committee on Education.

By Senator Mauzy:

S. B. No. 37, A bill to be entitled "An Act relating to requiring automobile liability insurers to provide written certification of liability coverage to certain of their insureds; amending the Texas Insurance Code by adding Article 5.06-3; and declaring an emergency."

To Committee on Insurance.

By Senators McKool, Kothmann and Hall:

S. B. No. 38, A bill to be entitled "An Act providing that an informal marriage of certain underage persons without parental consent is voidable and requiring written consent of parents to be attached to a declaration of informal marriage; amending Subsection (a) of Section 2.41, Subsections (c), (d), and (e) of Section 1.92, and adding a Subsection (f) to Section 1.92, Family Code; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Harrington:

S. B. No. 39, A bill to be entitled "An Act permitting the use of certain seines to catch limited amounts of shrimp for personal use on the Gulf beach of Jefferson, Galveston, Chambers, and Brazoria counties; and declaring an emergency."

To Committee on Parks and Wildlife.

By Senators Brooks, Jordan, Wallace and Grover:

S. B. No. 40, A bill to be entitled

"An Act providing for the compensation to District Attorneys in certain counties, prohibiting their engaging in the private practice of law; and declaring an emergency."

To Committee on County, District and Urban Affairs.

By Senator Moore:

S. B. No. 41, A bill to be entitled "An Act relating to the minimum cash requirement in local funds for state financial assistance to a Regional Planning Commission; amending Section 6, Chapter 570, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 1011m, Vernon's Texas Civil Statutes); and declaring an emergency."

To Committee on State Affairs.

By Senator Moore:

S. B. No. 42, A bill to be entitled "An Act amending Sections, 1, 2, 3, 4, and 10, Chapter 86, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6228f, Vernon's Texas Civil Statutes); providing for assistance payments by the State of Texas to the surviving spouse and minor children of campus security personnel commissioned as peace officers who suffer violent death in the course of the performance of their duties; and declaring an emergency."

To Committee on State Affairs.

By Senator Schwartz:

S. B. No. 43, A bill to be entitled "An Act relating to the appointment, powers and duties of reserve deputy sheriffs and reserve deputy constables, providing a severability clause; and declaring an emergency."

To Committee on County, District and Urban Affairs.

By Senators Harrington, Mauzy, Bernal, McKool, Wilson, Brooks, Jordan, Kothmann, Kennard, Wallace, Schwartz, Bridges, Herring, Snelson, Beckworth, Patman, Hall and Watson:

S. J. R. No. 7, Proposing an amendment to Article VIII, Section 1-b, of the Texas Constitution, to provide an exemption of \$3,000 of the value of residence homesteads of all persons 65 years of age or older from all ad valorem taxes levied by any county, city, town, school district, or other

political subdivision or instrumentality of the state.

To Committee on Constitutional Amendments.

By Senators McKool, Mauzy, Bernal, Brooks, Jordan, Wallace, Kothmann, Kennard, Hall, Harrington, Watson, Wilson, Hightower, Herring, Word, Schwartz, Bridges, Sherman, Christie, Snelson and Bates:

S. J. R. No. 8, Proposing an amendment to Section 2, Article VI, Constitution of the State of Texas, to repeal the requirement that voters register annually and to add a provision that a period of registration may not exceed four years without renewal.

To Committee on Constitutional Amendments.

Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolutions:

H. C. R. No. 1.

H. C. R. No. 2.

H. C. R. No. 3.

Message From the Governor

The following message received from the Governor was read and was referred to Committee on Nominations:

January 18, 1971.

To the Senate of the Sixty-second Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be District Attorney of the 69th Judicial District until the next General Election and until his successor shall be duly elected and qualified: Michael P. Metcalf, Dumas, Moore County, Texas.

Respectfully submitted,
PRESTON SMITH,
Governor of Texas.

Motion to Adjourn

On motion of Senator Aikin the Senate agreed to stand adjourned at the conclusion of the Joint Session until 11:00 o'clock a.m. tomorrow.

Joint Session

(To Count Votes for Governor and Lieutenant Governor)

The President announced that the hour for the Joint Session of the two Houses to count the votes for Governor and Lieutenant Governor pursuant to the provisions of S. C. R. No. 2 had arrived.

Accordingly, the Senators present, accompanied by the Secretary of the Senate and the Sergeant-at-Arms, repaired to the Hall of the House of Representatives at 11:30 o'clock a.m.

The Senators were announced at the Bar of the House and were admitted and escorted to seats already prepared for them along the aisle.

The President Pro Tempore, by invitation of the Speaker of the House, occupied a seat on the Speaker's Rostrum.

The President Pro Tempore called the Senate to order and announced a quorum of the Senate present.

The Speaker of the House announced the purpose of the Joint Session.

A quorum of the House was announced present.

Speaker Mutscher then requested the tellers appointed pursuant to the provisions of S. C. R. No. 2 to come forward and receive the returns of votes cast for Governor and Lieutenant Governor at the General Election, which returns had been duly delivered by the Secretary of State to the Speaker of the House of Representatives.

Senators Aikin, Connally, Hightower, Jordan and Watson, on the part of the Senate, and Representatives Stewart, Christian, Lemmon, Salter and Presnal, on the part of the House, then received the returns and proceeded to count the votes cast for Governor and Lieutenant Governor at the last General Election.

At Ease

At 11:35 o'clock a.m. the Speaker announced that the Joint Session would stand At Ease pending the counting of the votes.

(Senator Sherman in Chair.)

In Legislative Session

The Speaker of the House called the Joint Session to order at 12:33 o'clock p.m.

(Senator Aikin in Chair.)

When the count was completed, the tellers presented the following report, which was read to the Joint Session:

Austin, Texas,
January 18, 1971.

Hon. Ben Barnes, President of the Senate.

Hon. Gus Mutscher, Speaker of the House of Representatives.

Sirs: We, the Joint Committee of Tellers appointed by the presiding officers of the Senate and House of Representatives to canvass the votes cast at the last General Election held in the State of Texas on November 3rd, 1970, for Governor and Lieutenant Governor of the State of Texas, as shown by returns delivered to us by the Secretary of State, beg leave to report that we have performed that duty and that the result of our canvass is as follows:

There were votes cast for Governor as follows:

Preston Smith, Democratic Party	1,197,726
Paul Eggers, Republican Party	1,037,723
Others	398

There were votes cast for Lieutenant Governor as follows:

Ben Barnes, Democratic Party	1,461,242
Byron Fullerton, Republican Party	716,593
Others	231

Respectfully submitted,

AIKIN
CONNALLY
HIGHTOWER
JORDAN
WATSON
for the Senate.

STEWART
CHRISTIAN
LEMMON
PRESNAL
SALTER

for the House of Representatives.

Whereupon the Speaker of the House made the following announcement:

Honorable Preston Smith, having received the highest number of votes cast, I, by virtue of the authority vested in me by the Constitution and the laws of the State of Texas, declare him duly, legally and constitutionally elected Governor of the State of Texas for the ensuing term of two years; and Honorable Ben Barnes, having received the highest number of votes cast, I, by virtue of the authority vested in me by the Constitution and the laws of the State of Texas, declare him duly, legally and constitutionally elected Lieutenant Governor of the State of Texas for the ensuing term of two years.

The Speaker of the House then returned the ballots of the General Election to the Secretary of State.

Memorial Resolution

S. R. No. 18—By Senators Brooks and Word: Memorial resolution for Dow Hudson.

Welcome and Congratulatory Resolutions

S. R. No. 20—By Senator Herring: Extending welcome to teacher and students of Martin Junior High School of Austin.

S. R. No. 21—By Senator Aikin: Extending welcome to Mr. and Mrs. Jack C. Maddox.

S. R. No. 22—By Senator Brooks: Commending Jack Fifield for his bravery in rescuing a fellow citizen.

S. R. No. 23—By Senator Brooks: Expressing appreciation to Technical Sergeant Carless Looney for saving the life of Scott Harrell.

Adjournment

The Presiding Officer (Senator Aikin in the Chair) announced at the conclusion of the Joint Session that the purpose of the Joint Session having been concluded, the Senate at 12:36 o'clock p.m. would stand adjourned until 11:00 o'clock a.m. on tomorrow by motion previously adopted by the Senate.

APPENDIX

Sent to Governor

January 18, 1971

S. C. R. No. 2.

In Memory of
Max H. Bickler

Senator Herring offered the following resolution:

(Senate Resolution 17)

Whereas, For the first time since Governor James Hogg took office in 1891, the inauguration of Texas' Governor and Lieutenant Governor will this year be absent the presence of Max H. Bickler, due to his death in Austin on January 6, 1971; and

Whereas, Max Bickler, longtime master emeritus of protocol for Texas inaugurations, first assisted in the inauguration of Governor James Ferguson in 1917, and participated in staging most of the swearing-in ceremonies since that time; and

Whereas, In 1957 Max Bickler retired as clerk of the Texas Supreme Court after serving in that post for more than thirty years; he began his long career in Texas government in 1903, and worked in various capacities before joining the clerk's office in 1927; and

Whereas, A lifetime resident of Austin, he was considered a foremost authority on Austin history and tradition; he was always active in projects dealing with his community and with the University of Texas, and was a member of St. David's Episcopal Church; and

Whereas, The familiar sight of Max Bickler holding "The Supreme Court Bible," a leather bound volume predating Texas statehood and used for swearing in Texas governors before any living memory, will be greatly missed by many Texans at the inauguration of 1971 and in the years to come; and

Whereas, He is survived by two daughters, Mrs. Arthur S. Grenier of Dallas and Mrs. Stuart Buckley of Dripping Springs; two brothers, George Bickler and Ralph Bickler, both of Austin; five grandchildren and four great-grandchildren; now, therefore, be it

Resolved, By the Senate of the 62nd Texas Legislature, that tribute be paid to this most worthy Texas citizen; and be it further

Resolved, That the Secretary of the Senate prepare copies of this resolution for the family, and that when the Senate adjourns this day it do so in memory of Max H. Bickler.

HERRING

Signed—Lieutenant Governor Ben Barnes; Aikin, Bates, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Creighton, Grover, Hall, Harrington, Harris, Hightower, Jordan, Kennard, Kothmann, Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Sherman, Snelson, Wallace, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Word and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Herring the resolution was adopted by a rising vote of the Senate.